

**California Department of Transportation
Native American Advisory Committee
Quarterly Meeting Minutes
April 13, 2005**

Chairman Joseph Myers called the meeting to order at 9:10am.

Blessing: Chairman Myers led the Blessing.

Adopt Agenda: Chairman Myers asked if there were any revisions or additions to the agenda. There were no changes and the agenda was adopted.

Approve Minutes: Chairman Myers requested that the NAAC make a motion to approve the minutes for the last two meetings. Motion by Garth Sundberg; seconded by Joseph Garcia Sr., the motion was passed by a vote of 10 Yes, 0 Against.

Roll Call: NAAC Committee members in attendance were Joel Bravo, Joseph Garcia Sr., Bruce Klein, Joe Loya, Jerry Paressa for Deron Marquez, Joseph Myers, Ben Scerato, Garth Sunberg, Kathy Wallace and Ronda Mottlow.

Director's Representatives in attendance were Brian J. Smith, Deputy Director, Planning and Modal Programs; Joan Sollenberger, Division Chief, Division of Transportation Planning; Sharon Scherzinger, Office Chief of the Office of Regional and Interagency Planning; and Cynthia Gomez, Branch Chief of the Native American Liaison Branch.

Others in attendance: Mario Orso, Caltrans District 11; Richard Olsen, Caltrans District 3; Dave Moore, Caltrans District 2; Olivia Fonseca, Caltrans, Deputy Director, Civil Rights; Alex Morales, Caltrans Civil Rights; Kathleen McClafin, Caltrans District 10; Karen Nissen, Caltrans District 6; Jay Norvell, Caltrans, Division Chief, Division of Environmental Analysis; Greg King, Caltrans Environmental; Stacy Dixon, Susanville Indian Rancheria; Blesilda Gebreyesus, Caltrans District 4; Tina Biorn, Caltrans Environmental; Jila Priebe, Caltrans Native American Liaison; Valarie Smith, Caltrans Native American Liaison ; and Nieves Castro, Caltrans Office of Regional and Interagency Planning.

NEW BUSINESS

Introduction and Welcome of Caltrans Director, Will Kempton: Chairman Myers explained that Will Kempton is the new Caltrans Director, and Mr. Kempton was unable to attend the meeting. Member Scerato asked Chairman Myers if he has had a working relationship with the new Director. Chairman Myers responded that the new Director has only recently assumed his position as Director and has not yet had an opportunity to meet with him. Brian Smith also responded that the Director is currently consumed with issues surrounding the Bay Bridge.

Introduction and Welcome of Mr. Jay Norvell, Chief Division of Environmental Analysis: Brian Smith introduced Mr. Jay Norvell, and welcomed him to his new position as the Chief of the Division of Environmental Analysis.

Report on Southern California Association of Governments (SCAG): Mr. Arnold San Miguel was unable to attend the meeting due to family matters. Chairman Myers informed the Committee that SCAG has asked him to do a study on best practices for a working relationship with tribes in its region; as well as exploring different ways that would allow tribes to have a voice on transportation planning decision making process. He also stated that he has observed resistance for tribal consultation in central and northern California and hopefully this new working relationship will set a precedent for all parties to start a productive working relationship.

Report on Tribal Forest Protection Act (TFPA): Dave Nenna was unable to attend the meeting. Mr. Klein was interested in receiving more information about the new TFPA, the Committee requested to have this subject on the next meeting agenda.

Honey Lake Maidu - Regarding Caltrans selection of Native American Monitors for the Highway 395 expansion project: Jenny Kim, the Legal Counsel for the Honey Lake Maidu Tribe spoke on behalf of the Tribal Chairman, Ron Morales, expressing the Tribe's concern regarding Caltrans' policy on the selection of monitors specifically for the Highway 395 expansion project. Ms. Kim asked the Committee's support and guidance regarding the Tribe's concerns. She mentioned that the project is an approximate 24 mile improvement on Highway 395. Caltrans' archaeologists have identified 18 cultural sites within the project site. The project is located in the aboriginal territory of the Honey Lake Maidu, however, Caltrans chose monitors from the Susanville Indian Rancheria. She stated that Caltrans' explanation for choosing the monitor(s) from the Susanville Indian Rancheria was that the Susanville Indian Rancheria is a federally recognized tribe and the Honey Lake Maidu Tribe is a non-federally recognized tribe. Ms. Kim stated that in the past, Caltrans has worked closely with Mr. Morales. The Native American Heritage Commission recommended that the Honey Lake Maidu be included in the project; however, Caltrans has not included the Honey Lake Maidu in phase two of the project. The Honey Lake Maidu would like the Committee to recommend to Caltrans that they be included in phase two of the expansion project. Caltrans has left the responsibility of including the Honey Lake Maidu to Susanville Indian Rancheria. However, Ms. Kim expressed her concern that Caltrans should not put the responsibility solely onto the Susanville Indian Rancheria.

Stacy Dixon, Chairman for the Susanville Indian Rancheria, responded that he was not aware of the issue and Mr. Morales has not brought the issue to his Council and he would not have a problem including Mr. Morales as a monitor in the project. Ms. Kim will speak to Mr. Morales to set up a meeting between Susanville Indian Rancheria and the Honey Lake Maidu.

Tina Biorn stated that Caltrans' policy is to have one monitoring position that can be shared. Mr. Dixon recommended a meeting between that Susanville Indian Rancheria,

the Honey Lake Maidu and Caltrans. Chairman Myers asked if District 2 would be receptive to the idea. He also stated that if there has been an issue with the District in the past maybe it should be elevated. Chairman Myers asked Jay Norvell to intervene. Mr. Norvell expressed that the Districts are given a certain level of autonomy and that it would be appropriate to contact the District Director. Brian Smith informed the group that the Division would contact Brian Crane, District 2 Director, to inform him of the issue.

Dave Moore, the Native American Liaison for District 2, informed the Committee that the District is in the process of reorganizing to establish better consultation relationships with tribes. The District takes the issues very seriously. Ms. Kim requested to be on the next agenda to provide an update.

Nominations - 2006-2007 Term: Jila Priebe informed the Committee that their packets contained information on the 2006-2007 membership term. Information included; dates and a schedule.

OLD BUSINESS

Legislative Subcommittee: Member Loya informed the Committee that the Subcommittee has been unable to meet. Cynthia Gomez pointed out that there was legislative information in their packets.

Environmental Subcommittee: Member Loya informed the Committee that the Environmental Subcommittee members were not able to meet since the last NAAC meeting. Chairman Myers asked Member Loya; since, it has been difficult for the members to meet in the past few months if they were still interested in keeping the Environmental Subcommittee? Chairman Myers stated that monitoring the Environmental Subcommittee is the responsibility of members Loya, Scerato and Ockert who were selected by the Committee at its November meeting, therefore, it is the elected members responsibility to decide on the future of the Environmental Subcommittee.

Jila stated that she has received several inquiries from previous members of the Environmental Subcommittee expressing interest in maintaining it, however, she is waiting for direction from the NAAC members.

Highway Landscaping Subcommittee Report: Member Wallace provided a first draft of the "Guide to Protecting and Using Native Plants" to the Committee and requested comments.

Report on Indian Reservation Roads Program (IRR): Chairman Myers informed the Committee that Mr. Leroy Gishi, Bureau of Indian Affairs and Mr. Robert Sparrow, Federal Lands Highway gave one-day presentations regarding the IRR Final Rule in Santa Rosa and the Pala Reservation. Cynthia Gomez pointed out that the power point presentation that was given by Mr. Gishi has been included in the members' packets. She also stated that there is not enough funding to get all the eligible roads into the inventory.

Alaska is in a similar situation as California because they do not have enough planning money to include their road inventory in the IRR system. They had special legislation put into the IRR Program because their needs are not addressed by the formula and they rely more on waterways and air travel rather than roadways.

Report on the Feasibility Study on Creation of Reservation Transportation Authority Group (RTAG): Chairman Myers gave a report on the feasibility study; he mentioned that the study is to gather information on whether there is enough interest among the central and northern California tribes to create a working group(s) such as the Reservation Transportation Authority (RTA) in southern California. He mentioned that there has been scattered interest; the northern California tribes have shown more interest in creating such group(s); among the central California tribes the interest is there, however, is not as strong. Chairman Myers also stated that inter-tribal coalitions are very important. The geographical location of tribes is a big factor, however, if small tribes do not get together there won't be enough transportation funding available for California tribes.

Report on Native American Reservation Public Information and Education Campaign (Office of Traffic Safety Grant): Joan Sollenberger gave a brief history of the Traffic Safety Grant. The Native American Liaison Branch submitted an application to apply for a grant from the Office of Traffic Safety and it was awarded. Caltrans is going to hire a consultant to do the study. In concurrence with State process, Caltrans has sent the Request for Proposals (RFPs) to the public, and two have been received from NAAC members. Caltrans has not selected a consultant yet, however, in the event that Caltrans selects a NAAC member, the Department has been proactive in making sure that there is no conflict of interest. The Division has contacted the Legal Division and has been advised that there is no conflict of interest if any of the members are chosen as a consultant, but the member would be expected to excuse themselves on any future decisions regarding the topic.

Member Scerato asked if there should be a motion from the NAAC. Ms. Sollenberger stated that a motion from the NAAC is not necessary, it is sufficient that the issue has been addressed and documented.

Discussion of the NAAC Charter: Cynthia Gomez asked the Committee for clarification on Section 6 of the NAAC Charter regarding "TERM OF MEMBERSHIP" addressing members' absences. Chairman Myers recommended that "in a calendar year" be removed from the Charter so that members cannot miss two consecutive meetings throughout their term. Motion made by Member Scerato; seconded by Member Wallace, passed with a vote of 10 Yes, 0 Against.

Member Scerato asked the Committee, "what good is it if alternates are always sent to the meetings?" Chairman Myers pointed out that the Charter does not restrict alternates' attendance and it has not been a problem. If it becomes a problem the Committee will address it at that time.

Member Wallace asked if Cassandra Henschel, a Caltrans employee, could be an alternate for her since Cassandra is no longer a Caltrans Native American Coordinator for District 10. Mr. Smith stated that allowing Caltrans employees on the NAAC will create a conflict of interest and he prefers Caltrans employees refrain from serving as members or alternates. He stated that the Charter was created approximately five years ago so that the Native American community is advising Caltrans not Caltrans advising Caltrans.

Announcements:

Chairman Myers announced that Lucy Parker would be speaking at the California Indian Museum in Santa Rosa on April 23, 2005.

Karen Nissen announced the Native American Committee for Historic Preservation to be held on September 11-13, 2005 in Santa Fe, New Mexico.

Chairman Myers has been appointed to a Transportation Research Board (TRB) Committee on rural issues.

Tina Biorn announced that the next meeting for the Society for Archaeology would be held on April 22-24, 2005 in Sacramento. For more information contact Tina Biorn at (916) 227-4683.

Adjournment: Meeting adjourned at 11:41 am.